

#  
24  
Amendt  
JB  
2/6/04

-1- PATENT

Attorney Docket No. P00250USG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
**FRANK J. RAGEN**  
Serial No. 09/837,743  
Filed: December 27, 2001  
For: **BABY SUPPORT WRAP**

Examiner: Frederick C. Conley  
Group Art Unit: 3673  
RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT MAILED  
JANUARY 15, 2004  
401 West A St., Sta. 1600  
San Diego, CA 92101  
(619) 531-0950

Wanda Brown  
Legal Instruments Examiner  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Compliant Amendment mailed January 25, 2004, applicant submits herewith a complete listing of all the claims in this application.

Any questions or comments relating to this response can be directed to the undersigned at (619) 531-4950.

Respectfully submitted,

JAMES C. WESEMAN, APLC

Dated: 30 January 2004

By [Signature]  
James C. Weisman  
Reg. No. 30,507  
Attorney for Applicant

Atty. Docket: P00250USG

-1- PATENT

COMPLETE LISTING OF ALL CLAIMS

Serial No. 09/837,743

- / 1. (currently amended): A baby support comprising:  
(a) a piece of fabric, the fabric sized to substantially encapsulate the baby, the fabric having attached thereto means for receiving a support pad and positioning said support pad so as to simultaneously support at least the head, neck and upper back of the baby;  
(b) the support pad being substantially planar and of uniform thickness, the support pad sized to support at least the head, neck and upper back of the baby, and sufficiently resilient to as to generally conform to the adjacent contour of the baby when the fabric is wrapped around the baby; and  
wherein when the support pad is joined with the means for receiving the support pad, the support pad provides firm support for at least the baby's head, neck and upper back when the fabric is wrapped about the baby.
- / 2. (original): The baby support of Claim 1, wherein the means for receiving a support pad comprise a piece of material secured to the fabric about the periphery of the piece of material so as to form a pouch, said pouch configured to receive the support pad therein so as to maintain the support pad in a desired position with respect to the fabric.
- / 3. (original): The baby support of Claim 1, wherein the means for receiving a support pad comprises a cover for receiving the support pad, the cover detachably affixable to the fabric, the cover having an access for inserting and removing the support pad.
4. (original): The baby support of Claim 1, wherein the fabric further comprises means for securing the fabric about the baby.

<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b>			
Applicant(s): RAGEN, FRANK J.			
Serial No. 09/837,743	Filing Date 12/27/01	Examiner Frederick C. Conley	Docket No. P00250US0
Invention: BABY SUPPORT WRAP			
<p>I hereby certify that this <u>Response to Notice of Non-Compliant Amendment Mailed 1/15/04</u> <i>(Identify type of correspondence)</i> is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703 746-3639</u>) on <u>January 30, 2004</u> <i>(Date)</i></p> <p style="text-align: center;"><u>Lillian M. Montano</u> <i>(Typed or Printed Name of Person Signing Certificate)</i>  <i>(Signature)</i></p>			
<p>Note: Each paper must have its own certificate of mailing.</p>			



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 P.O. Box 1450  
 ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

SN  
Paper No. 23

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on \_\_\_\_\_ is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED  ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
  - A. Amended paragraph(s) do not include markings.
  - B. New paragraph(s) should not be underlined.
  - C. Other \_\_\_\_\_
- 2. Abstract:
  - A. Not presented on a separate sheet. 37 CFR 1.72.
  - B. Other \_\_\_\_\_
- 3. Amendments to the drawings: \_\_\_\_\_
- 4. Amendments to the claims:
  - A. A complete listing of all of the claims is not present.
  - B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - D. The claims of this amendment paper have not been presented in ascending numerical order.
  - E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/prenotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is **not extendable**.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a)**.

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

Wanda Brown  
Legal Instruments Examiner (LIE)

(703) 308-4454  
Telephone No.  
  
103 5639  
M 146

THE LAW OFFICES OF  
**JAMES C. WESEMAN**  
A Professional Law Corporation

1600 First National Bank Center  
401 West A Street  
San Diego, California 92101-7906  
e-mail: LawIP@pacbell.net  
Telephone: 619.531.0950  
Fax: 619.531.0999

**FACSIMILE TRANSMITTAL**

TO: Wanda Brown  
Legal Instruments Examiner

COMPANY: U.S. Patent Office

FAX NUMBER: 703/746-3639

DATE/TIME SENT: 1/30/2004 12:09 PM

FROM: James C. Weseman

NO. OF PAGES: 11 (including cover page)

DOCUMENT(S): Response to Notice of Non-Compliant Amendment

SERIAL NO.: 09/837,743

COPY TO:

CLIENT/MATTER NO.: Cradle Me-2

ORIGINAL DEPOSITED IN THE U.S. MAIL YES        NO  X  

THE ATTACHED COMMUNICATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL, OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND/OR EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAWS. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OF THE COMMUNICATION, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERY THERETO, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THE COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THE COMMUNICATION IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY BY TELEPHONE, AND RETURN THIS COMMUNICATION TO THE SENDER AT THE ABOVE ADDRESS VIA FIRST CLASS MAIL. THANK YOU.